87-1967

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PETITION

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IN THE

United States

SUPREME

Court

U.S.C.A. CASE NO. 87-3666

JOHN G. BARROW JR,
Plaintiff- Appellant - Petitioner

VS.

CHARLES HOOD et. al.,
Defendants-Appellees - Respondant

* *

FROM
UNITED STATES 11th CIRCUIT COURT OF APPEALS
ATLANTA, GEORGIA

John G. Barrow Jr
A Layman without legal education
Rt 1 Box 470
Callahan, Florida 32011
904-845-2475

Supreme Court, U.S.
FILED
MAY 27 1988
JOSEPH F. SPANIOL, JR.
CLERK

* *

P E T I T I O N

TO THE SUPREME COURT OF THESE UNITED STATES FOR AN EXERCISE OF THIS COURTS POWER OF SUPERVISION

##

ALLEGED JUSTICE WITHOUT A JUDGE

1) Comes Now, JOHN G. BARROW JR, Plaintiff- Appellant- Petitioner, in Barrow v. Hood, U.S.C.A. 87-3666 Civ-No Judge. This Case has not been heard before any Judge.

THE DISTRICT COURT BOASTS " THERE WAS NO HEARING"

This Case was dismissed with prejudice, without a hearing, without any due process of law and therefore VOID.

IMPORTANT AND SPECIAL REASONS FOR THIS PETITION

It is impairative that an Extraordinary Writ be issued to assist the Appellate Court's jurisdiction in their administration of the Manifest Ends of Justice.
As an example ;

1) The Case of Procup v Strickland 760 F 2d 1107 (11th Cir)

This Court provides for;

a) " One particular person or group of persons in the office of the clerk of court may be assigned the task of reviewing all prisoner complaints for compliance with local rules of form. This person or group of persons could maintain a seperate file on especially prodigious litigants to aid in discovering and documenting repetitious or malicious case filings. An initial screening of prisoner complaints can be performed by law clerks or a magistrate"

b) " Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious lawsuits.
They " are immune from imposition of costs if they are successful; and because of their poverty, they are practically immune from later tort actions for ' malicious prosecution' or abuse of process" Jones v Bales, F 2d F.R.D. 805 (5th Cir 1973)

c) " All pleadings filed by one inmate may be directed to the same clerk or magistrate"(The lower Courts handle all persons pro se as if they are all Criminals with NO CONSTITUTIONAL RIGHTS.

d) " Review of the recommendations of the law clerk or magistrate and consideration of the complaints individually does not require inordinate amounts of time and effort from the district Court. If a pro se complaint is on its face without arguable merit, only a one-line order dismissing it with prejudice need be entered".

e) " The magistrate can and should handle most if not all, of these proceedings and make recommendations to the district court"

Now, this United States Supreme Court is questioned as to what kind of Due Process of law is this romance ?

2) What resemblance does such nonsence have with equal protection of the law, equal to that afforded others ?

3) The District Court (Middle District) of Florida and the 11th Circuit Court of Appeals seem to be of the opinion that all persons not a member of the Bar and in good standing with Judge Hodges are convicted

inmates, murderers, rapest or bank robbers.

4) This Petitioner did try to find an attorney that could be retained through out the State of Florida, parts of Georgia, Texas, Arazona New York, New Jersey and Pennsylavina.
No attorney felt that his public relations could afford to get involved in the pre-trial publicity of this Petitioner which was world wide in the News Media.

5) This Petitioners record is as clean as your own. Check it out ! PLEASE !!

6) The lower courts departure of providing;

a) A meaningful notice of hearing.

b) The denial of even one day in court.

c) Denial of adjudication of even one question that has arisen.

d) The complete denial of any small part of " Due process of law" All of which constitutes an unusual course of judicial procedure.

e) Sanctions of such departure by the 11th circuit Court of appeals is so Asinine as to call for an exercise of this Honorable Supreme Court of these United States to take Supervisory Control as provided for by the United States Congress, to this Great Court.

1) Hood did " Under color of law" sell to Barrow a parcel of land with a house thereon valued today at approximately $50,000.00

2) Barrow placed the agreed amount in the hands of Hood, as both parties did assent to the same prosition.

3) Hood would never deliver a deed to Barrow. Hood alleged the morals of Hood, superceeded the Constitution of these United States of America.

4) Hood et. al., did deliver this property to another individual without full compensation to Barrow (a federal question).

5) Hood did by his arbitrary and unreasonable rule inpair the obligation of States Contract (a federal question).

6) This case was dismissed in District Court based only on the erroneous allegations of the Magistrate.

7) The Complaint and any amended complaint was completely ignored by the defendants and the court.

8) There was absolutely no responsive pleading. Federal Rules Civil Procedure Rule 7(a).

9) Absolutely none of the allegations in the Complaint were denied. Federal Rules Civil Procedure Rule 8. admitted when not denied.

10) The only adversary to the plaintiff's complaint was that of the magistrate.

11) The most galling of all, is that the 11th Circuit Court of Appeals did sanction this

deprivation of due process of law and the United States Court of Appeals 11th Circuit did sanction the deprivation of protection of the law equal to that afforded others, by the 11th Cir. Affirmance.

12) In addition thereto, the 11th Circuit Court of Appeals did sanction the "taking of the property" sold to Barrow, which is repugnant to the 'Taking Clause of our Constitution" and worst of all, without any resemblance to Due Process of law and, without any reason and without a published opinion, except that of Appellant being a person pro se, with no constitutional rights.

"A suggestion for rehearing in Banc" was denied.

13) The only defense presented by the defendants counsel is that of their " wheel within a wheel" conspiracy to extort by force of the Federal Court approximately $150,000.00 for criminal sanctions, because of this petitioner seeking redress of injuries without the assistance of a member of the Bar.

14) There can be no earthly reason for the District Court to dognatically continue to consolidate the various cases of this petitioner except to compound the pressure of all the counsellors of all of the cases to expedite the out and out extortion by force of the court for the $150,000.00 planned by these conspirators in collusion with the Federal Courts.

15) There is no reasonable cause for the magistrate to promulgate such erroneous allegations as presented in his reports and recommendations except to advance the extortion plot for criminal contempt sanctions in the amount of approximately $150,000.00 as well as coercion by the District Court. Remember there has been no hearing.

In addition to no responsive pleading in the District Court.

These Defendants ,filed no Brief what so ever in the Court of Appeals,yet the 11th Circuit sanctioned their"taking of this Petitioners property without full and just compensation",impairing of the State Contract"and complete deprivation

of due process of law and complete deprivation of protection of the law equal to that afforded others.

If ever there was a case that presented exceptional circumstances warrenting the exercise of this courts discretionary powers, this is it.

Truly, there is no possibility of any relief much less, adequate relief, to be had in any other form or from any other court.

The issues of a extraordinary writ is authorized by 28 U,S.C. § 1651 (a)

The entitre record speaks for itself.

Without Due Process of Law, the decision of the District Court in this case is Void.

The decision or affirmance in this case based upon a VOID DECISION is indisputably VOID also.The 11th Cir. needs your assistance.

All aspects of this case and controversy has been handled in a way in conflict with other applicable cases. there being a decision in those cases based upon Due Process of Law, a meaningful hearing and equal protection of the law as opposed to Quote, the United States District Court " There was no hearing" in this case. This Petitioner ever so earnestly requests some form of relief to be provided by this United States Supreme Court. The 11th Cir. needs your help..

Respectfully Submitted

John G Barrow

By John G. Barrow Jr
A layman without legal education
Rt 1 Box 470
Callahan, Florida 32011
904-845-2475

I Certify this 6th day of May 1988 that I did furnish a copy of the above to all Counsel of record.

John G Barrow

John G Barrow

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

OFFICE OF THE CLERK
311 WEST MONROE STREET
P.O. BOX 53559
JACKSONVILLE, FLORIDA 32201

DONALD M. CINNAMOND
CLERK
DAVID L. EDWARDS
CHIEF DEPUTY CLERK

JACKSONVILLE DIVISION
NORMAN A. SHERMAN
MANAGER
(904) 791-2854
FTS 946-2854

August 26, 1986

Mr. Spencer D. Mercer, Clerk
U. S. Court of Appeals - Eleventh Circuit
50 Spring Street, SW
Atlanta, GA 30303-3147

D.C. No. 84-414-Civ-J-16

U.S.C.A. No. _____

IN RE: BARROW v HOOD

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

XX Certified copy of notice of appeal, docket entries, ~~XXXXXXXXXXXXXXXX~~/order appealed from enclosed.

____ First Notice of Appeal: ____ Yes X No Date(s) of other notices: 04-26-85

____ Certified record on appeal consisting of: ____ Volume(s) of pleadings; ____ Volume(s) of transcripts; ____ Volume(s) of exhibits/depositions; ____ Other: _____

XX There was no hearing from which a transcript could be made.

____ Certified copy of CJA Form/Order appointing counsel.

____ The following materials were SEALED in this court (order enclosed): _____

XX The appellate docket fee has/~~XXXXXXX~~ been paid. Date paid 08-25-86

____ Appellant has been granted/denied leave to appeal IFP (copy of order granting/denying IFP and/or Certificate of Probable Cause is enclosed).

____ An appeal bond has been posted: ____ Cost Bond; ____ Supersedeas Bond

XX The Judge/Magistrate appealed from is Judge Hodges

____ The court reporter(s) are _____

____ This is a DEATH PENALTY appeal. Other cases: _____

Sincerely,

Patricia Cooper
Deputy Clerk

Page A-14 of Record Excerpts

In an effort to mininmize the petition to this Graet Court in the above captioned case, it was felt that the last page of the petition from the District Court was sufficient as an appendix since the arrow thereon points out " There was no hearing"

" No hearing is highly repugnant to;

U.S.C.A Const. Amend. 5

" A federal court judgment whether in a civil or a criminal case, that is reached without due process of law is VOID and may be attacked collaterally by habeas corpus if for crime, or by resistance to its enforcement if a civil judgment for money"

There has been no hearing.

U.S.C.A. Const. Amend 7

" The denial of a right of jury trial after demand in federal court is an unconstitutional abuse of power is absence of waiver"

In re Oliver 68 S Ct 499

The United States Supreme Court holds:

" A right to his day in court are basic in our system of jurisprudence; and these rights include as a minimum a right to examine the witnesses against him and to offer testimony (or evidence) .

No matter what has been said or no matter what might be said there was an offer by Hood and an acceptance by Barrow, , The property was taken by Hood et. al. without due process of law. The District Court handed down a Void Decision (no due process of law in the District Court). This Void decision was largely couched upon Judge Melton's VOID decision (no due process of law). The 11th Circuit condones these VOID decisions. Now, I ask you, is our Constitution of these United States of America really dead ?

Respectfull Submitted

JOHN G. BARROW JR
A Layman without legal education
Rt 1 Box 470
Callahan, Florida 32011
904-845-2475

FILED;
Aug 15 4 35 PM '86
Clerk U.S. Dist
Court Middle Dist
Tampa, Florida

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-104-Civ

AMERICAH TELEPHONE AND
TELEGRAPH CO. et al.,

Defendants
_____/

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-135-Civ

WINIFRED S HILL Tax Collector
St Johns County

Defendant,
_____/

JOHN G. BARROW JR

Plaintiff,

-vs-

CASE NO. 84-191-Civ

ROOSEVELT BAKER Jr

Defendant

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-192-Civ-

VERNON DOUGLAS and EUGENE CHRISTIAN

Defendants

_____/

JOHN G. BARROW JR,

Plaintiff,

-vs- CASE NO. 84-412-Civ-

T. BUCKINGHAM BIRD et al,

Defendants

_____/

JOHN G. BARROW JR

Plaintiff

-vs- CASE NO. 84-414-Civ-

CHARLES HOOD and MIKE NOONE

Defendants,

_____/

JOHN G. BARROW JR

Plaintiff,

-vs- CASE No. 84-437-Civ-

ELEANOR B HAWKINS et al.

Defendants

_____/

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-456-Civ

HAVERTY FURNITURE et al

Defendants,

_____/

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-1191-Civ

HAROLD B WAHL et. al.,

Defendants,

_____/

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 85-91-Civ

H. RAY WALKER, Tax Collector
Columbia County

Defendant

_____/

JOHN G. BARROW JR,

Plaintiff,

-vs- CASE NO. 85-160-Civ

CARL "BUD"MARKEL

Defendant

_____/

JOHN G. BARROW JR,

Plaintiff,

-vs- CASE NO. 85-287-Civ-J-10

JIM BISHOP Tax Collector
and as an individual,

Defendant
_____/

O R D E R

The Magistrate's recommendations that these cases be dismissed with prejudice and that Rule 11, F.R.C.P. sanctions of costs and attorneys fees be assessed are, upon the due consideration ADOPTED in each case.

These cases are again referred to the Magistrate to conduct all further proceedings necessary to determine and recommend the appropriate amount of costs and attorneys fees in each case. An appropriate judgment will then be entered in each case dismissing plaintiff's

claims with prejudice and awarding fees and costs to the Defendants.

IT IS SO ORDERED:

DONE AND ORDERED at Tampa, Florida this 15th day of August, 1986.

/s/ William Terrell Hodges
UNITED STATES DISTRICT JUDGE

A 10

FILED
87-Sep-4
P.M. 12:29
Clerk U.S. District Court
Middle Dist,of
Florida
Tampa, Fla.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW JR

Plaintiff,

-vs- CASE NO. 84-414-Civ-

CHARLES HOOD; MIKE NOONE
ED BROOKS

Defendants,

_____/

O R D E R

This case was referred to the United States Magistrate to conduct all further proceedings necessary to determine and recommend the appropriate amount of costs and attorney's fees

This matter was considered by the Magistrate, pursuant to the general order of assignment, who has filed a report recommending that the

case be dismissed with prejudice in accordance with the Court's Order of August 15, 1986

Upon consideration of the report and recommendation of the Magistrate, the plaintiff's objections to the Magistrate's Report, and upon this Court's independent examination of the entire file, the Magistrate's report and recommendation is adopted and confirmed and madea part hereof; and it is ORDERED:

1. That the case be DISMISSED with prejudice.

IT IS SO ORDERED.

DONE and ORDERED at Tampa, Florida this 4th day of September, 1987.

/s/ William Terrell Hodges
United States District Judge

Copies to;
John G Barrow jr
William L Townsend Jr Esq
Edward E Hedstrom Esq
A.W. Nichols III Esq

A 12

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

- - - - - - - - - - - - - - -

No. 87-3666
Non-Argument Calender
D.C. Docket No. 84-414

JOHN G. BARROW JR

Plaintiff-Appellant

Versus

CHARLES HOOD
MIKE NOONE
ED BROOKS

Defendants- Appellees

Appeal from the United States District Court
For the Middle District of Florida

(March 9, 1988)

Before TJOFLAT, HILL and FAY, Circuit Judges

PER CERIAM :

AFFIRMED See 11th Cir. R 36-1